

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ALABANZA CORP.

*

Plaintiff

*

vs.

*CIVIL ACTION NO. MJG-02-1946

ABACUS AMERICA, INC.

*

Defendant

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* * * * *

MEMORANDUM AND ORDER

The Court has before it Plaintiff's Motion for Reconsideration [Paper 20] and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

By Memorandum and Order of March 5, 2003, the Court granted Defendant's Motion to Dismiss for lack of personal Jurisdiction. Plaintiff now seeks reconsideration.

As stated by Judge Ramsey in Weyerhaeuser Corp. v. Koppers Co., Inc.:

A motion for reconsideration (or, to alter or amend judgment) made pursuant to Fed. R. Civ. P. 59(e) may be made for one of three reasons: (1) an intervening change in the controlling law has occurred, (2) evidence not previously available has become available, or (3) it is necessary to correct a clear error of law or prevent manifest injustice.

771 F. Supp. 1406, 1419 (D. Md. 1991) (citation omitted). Such a motion "cannot be used to raise arguments which could, and should, have been made before [the determination to be reconsidered] issued."

Federal Deposit Ins. Corp. v. Meyer, 781 F. 2d 1260, 1268 (7th Cir. 1986) (citation omitted).

As pertaining to this case, there has been neither a change in the law nor newly available evidence. It may be that Plaintiff now wishes that it had sought jurisdictional discovery. However, Plaintiff did not formally request such discovery and, if it had, the Court would not have permitted discovery. The record available was adequate to demonstrate the absence of jurisdiction for the reasons set forth in the March 5, 2003 Memorandum and Order.

For the foregoing reasons:

1. Plaintiff's Motion for Reconsideration [Paper 20] is DENIED.
2. The Judgment Order entered herein on March 6, 2003 remains in effect.

SO ORDERED, on Thursday, 11 March, 2004.

_____/s/
Marvin J. Garbis
United States District Judge